

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Mark Allen McConnaughy,**

**Plaintiff,**

**v.**

**Probate Court of Belmont County,**

**Defendant.**

**Case No. 2:21-cv-2239**

**Judge Michael H. Watson**

**Magistrate Judge Deavers**

**OPINION AND ORDER**

Magistrate Judge Deavers performed an initial screen of Plaintiff's *pro se* Complaint pursuant to 28 U.S.C. § 1915(e)(2) and issued a Report and Recommendation ("R&R") recommending the Court dismiss Plaintiff's Complaint because Defendant was immune from suit and is not *sui juris*. R&R 4–5, ECF No. 6. To the extent Plaintiff's claims could be construed as being against a judge in Belmont County, the R&R found those judges would be entitled to absolute judicial immunity. *Id.* at 5.

Plaintiff timely objected, but he did not object to the substance of the R&R. Obj., ECF No. 7. Instead, Plaintiff stated that he believed Magistrate Judge Deavers has a conflict of interest and potentially had committed judicial misconduct. *Id.* Plaintiff cites absolutely no evidence to support such a serious charge. This type of general objection to the entirety of the R&R "has the same effect[] as would a failure to object," *Howard v. Sec'y of HHS*, 932, F.2d 505, 509 (6th Cir. 1991), and, therefore, the Court is not obligated to conduct a *de novo*

review of the R&R. Nevertheless, the Court has reviewed Plaintiff's Complaint and the R&R and sees no basis to overrule the R&R.

Upon *de novo* review, the Court **ADOPTS** the R&R and **DISMISSES** Plaintiff's case.<sup>1</sup>

**IT IS SO ORDERED.**

/s/ Michael H. Watson  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**

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<sup>1</sup> Plaintiff has also filed a motion for change of venue asserting that Judge Sargus and Magistrate Judge Deavers have a conflict of interest regarding this case and suggesting possible judicial misconduct. ECF No. 8. Plaintiff has not provided any credible allegations to support this claim, and the Undersigned has conducted a *de novo* review of all proceedings in Plaintiff's cases. No misconduct or conflict of interest is apparent from the record. Additionally, Judge Sargus has had no involvement with this case. Plaintiff's motion to change venue is **DENIED AS MOOT** because of the dismissal of his Complaint, but the motion would have been denied on the merits in any event.